

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MYRNA J. FILER,

Plaintiff,

-v-

DETECTIVE CRAIG POLSTON, et al.,

Defendants.

Case No. -3:11-cv-170

Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

**ENTRY AND ORDER OVERRULING FILER'S MOTION FOR
RECONSIDERATION (Doc. #36)**

This matter is now before the Court pursuant to pro se Plaintiff Myrna J. Filer's ("Filer's") Motion for Reconsideration (Doc. #36.) Filer wants the Court to reconsider its Entry and Order of July 3, 2012, wherein Magistrate Judge Michael J. Newman's Report and Recommendations was adopted in its entirety and Filer's Complaint was dismissed with prejudice. (Doc. #34.) The Defendants have responded to Filer's Motion for Reconsideration and the time has run and Filer has not replied. Therefore, Filer's Motion for Reconsideration is ripe for decision.

A motion to alter or amend a judgment may be granted if there was (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice. *Intera Corp. V. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005). A motion to alter or amend cannot be used to re-argue a case or to present new arguments that could have been raised prior to judgment. *Howard v. United States*, 533 F.3d 472, 475 (6th Cir. 2008).

Filer's only argument in her Motion for Reconsideration is that this Court should rely on

the Sixth Circuit's decision in *Potts v. Hill*, 17 F. App'x 302 (6th Cir. 2001). This same argument was made by Filer in her Objections to Judge Newman's Report and Recommendations and considered by the Court in reaching its decision to adopt the Report and Recommendations in its entirety.

Thus, Filer has not identified a clear error of law, has not identified newly discovered evidence, has not identified an intervening change in controlling law and has not identified a manifest injustice. Therefore, Filer's Motion for Reconsideration (doc. #36) is **OVERRULED**.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Eighth Day of August, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Myrna J. Filer at her last address of record